

REMARKS

Claims 2-17, 19-30 and 39-46 are pending. Claims 1, 18 and 31-38 have been canceled. The listing of claims has been formatted in accordance with the requirements of 37 CFR 1.173(b), as requested by the Examiner. No claim amendments are made in this response and no new matter has been added. Reconsideration is requested.

Applicants thank Examiner Marx for her courtesy and consideration in the telephonic interview held on October 10, 2006 with the undersigned. The need for a Supplemental Inventor Declaration and the proper formatting of claims in a reissue amendment were discussed. The contents of this response reflect substance of the discussion during the interview.

Claims 3, 5-14, 40-46 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 25-43 of USP 6,777,444. Filed herewith is a terminal disclaimer. Entry of the terminal disclaimer and withdrawal of the rejection is respectfully requested.

Claims 2-17, 19-30, and 39-46 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of USP 6,417,234 ('234) in view of Shantha (USP 5,195,965). It is respectfully noted that a terminal disclaimer for '234 was filed with the response dated January 23, 2006. A copy of the terminal disclaimer and the date-stamped receipt are filed for the Examiner's information. Entry of the terminal disclaimer and withdrawal of the rejection are respectfully requested.

The Examiner indicated that the Reissue Declaration was defective because the error which was relied upon to support the reissue application is not an error upon which a reissue can be based. The Examiner noted that claims 31-33, which were indicated as part of the basis for reissue in the Declaration, have been cancelled, and that the claims have been further amended. It is respectfully noted that claim 30, which was also listed in the Declaration, remains pending. In a telephonic interview held on October 10, 2006 between Examiner Marx and the undersigned, the Examiner indicated that a new Declaration was required because the claims had been further amended. Accordingly, in order to insure that all formal requirements are met, filed herewith is a Supplemental

Declaration for Reissue, which is believed to satisfy the requirements of the Office for a Reissue Declaration. If this Declaration is considered insufficient, the Examiner is respectfully requested to contact the undersigned.

In light of the foregoing, Applicants submit that the application is in condition for allowance. If any issues remain that might be resolved in a telephone discussion, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,

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Date

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